

**DECLARATION**

STATE OF ILLINOIS     )  
                                      ) SS  
COUNTY OF COOK     )

I, Barry M. Bennett, of full age, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury the following:

1. I have personal knowledge of the information contained in this declaration and if called upon to do so, I would be prepared to testify to this information.
2. I am a licensed attorney in the state of Illinois and a member of the regular bar and trial bar of the United States District Court for the Northern District of Illinois, along with the bars of various other state and federal courts.
3. I am a partner at Dowd, Bloch & Bennett, and in connection with this position I have had primary responsibility for representation of Shawn Williams in the action designated Case No. 07 C 6207.
4. During the months preceding the Court's entry of judgment in favor of Mr. Williams, I received several telephone calls from an attorney who indicated he had not yet entered an appearance for any of the defendants but that he represents Defendant Dziadana and some of the defendant businesses for certain purposes, was interested in the matter, and might be entering an appearance.
5. Based on those communications, information provided to me by various sources indicating that Mr. Dziadana and/or one or more of his businesses were continuing to operate, and my general experience with default judgments, I felt there was a reasonable

prospect that after the judgment was entered, one or more of the defendants would move pursuant to Federal Rules 59 and/or 60 to attempt to have the judgment vacated and to receive an opportunity to respond on the merits.

6. To avoid what might have proved to be an unnecessary expenditure of time, effort, and money, I decided to wait until one month after judgment was entered before beginning work on the fee motion process, with the expectation that if the defendants sought to vacate the judgment they would likely do so within that time.

7. None of the defendants has filed a motion for a new trial or relief from the judgment.

8. I did not begin work on the fee motion at the conclusion of that self-imposed one month waiting period as I anticipated because I encountered an unusually heavy set of work demands, some of which were unexpected. Between the beginning of May and the first week of June, that work included the following matters, which either arose or expanded unexpectedly:

- A labor arbitration for UNITE HERE Local 74 in St. Louis, which I had expected would involve only a single day of hearing and would be closed through oral argument at the time of the hearing evolved into two days requiring two trips to St. Louis, and also required the preparation and submission of what proved to be a 30 page brief rather than presenting closing argument.
- A procedural dispute arose in an arbitration for IBEW Local 21 that required me to research, prepare, and file an original and a reply brief totaling 45 pages, none of which I had anticipated until the first week of May.
- A series of related representation and unfair labor practice proceedings at the National Labor Relations Board arose in which I was called on to represent

the International Union of Bricklayers and Allied Craftworkers, a pre-existing client.

9. In addition to those matters, each of which arose or substantially expanded unexpectedly from the beginning of May forward, I have had the usual work demands, particularly in connection with three individual employment matters, several arbitration panel matters, and participation in negotiations for a contract extension that became effective on June 1.

10. On June 5, I wrote to the defendants in an effort to gain their participation in the process contemplated by Rule 54.3, and a copy of my letter is attached as Exhibit A.

11. I have received no response to the June 5 letter, but I will inform the Court if I do hear from any of the defendants or their representatives.

12. I am confident that unless the instructions I am requesting from the Court pursuant to Local Rule 54.3(g) require a significantly different type of effort related to the fee petition than I anticipate, I will be able to complete the fee motion and related submissions in proper form if the requested extension is granted.

I have read the foregoing declaration and swear that it is true and correct to the best of my knowledge, information, and belief.

  
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Barry M. Bennett

Date: 6/10/08